

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAMES EDWARD NOTTINGHAM, MV4522,	:	CIVIL ACTION NO. 1:21-CV-396
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA; MATTHEW W. BRANN, JUDGE; KAROLINE MEHALCHICK, MAGISTRATE JUDGE; and JOSH SHAPIRO, PA. ATTORNEY GENERAL,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 8th day of April, 2021, upon consideration of plaintiff's complaint (Doc. 1) and in accordance with the accompanying memorandum of today's date, it is hereby ORDERED that:

1. Plaintiff's motions (Docs. 5, 7) to proceed *in forma pauperis* are GRANTED.
2. The complaint is DEEMED filed.
3. Plaintiff shall pay the full filing fee of \$402.00, based on the financial information provided in the application to proceed *in forma pauperis*. The full filing fee shall be paid regardless of the outcome of the litigation.
4. Pursuant to 28 U.S.C. § 1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at plaintiff's place of confinement is directed to deduct an initial partial filing fee of 20% of the greater of:
 - a. The average monthly deposits in the inmate's prison account for the past six months, or

- b. The average monthly balance in the inmate's prison account for the past six months.

The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in plaintiff's inmate trust fund account exceeds \$10.00, the Superintendent/Warden, or other appropriate official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the above-captioned docket number.

5. The Clerk of Court is directed to SEND a copy of this order to the Superintendent/Warden of the institution wherein plaintiff is presently confined.
6. The complaint is DISMISSED with prejudice as to the United States District Court for the Middle District of Pennsylvania, United States District Judge Matthew W. Brann, Chief United States Magistrate Judge Karoline Mehalchick, and Pennsylvania Attorney General Josh Shapiro to the extent he is sued in his official capacity. The complaint is DISMISSED without prejudice as to Attorney General Shapiro to the extent he is sued in his individual capacity.
7. Plaintiff is GRANTED leave to amend his complaint in accordance with the accompanying memorandum within 21 days of the date of this order. Any amended pleading filed pursuant to this paragraph shall be filed to the same docket number as the instant action, shall be entitled "First Amended Complaint," and shall be complete in all respects. It shall be a new pleading that stands by itself as an adequate complaint under the Federal Rules of Civil Procedure, without reference to the complaint (Doc. 1) hereinabove dismissed. Failure to file an amended complaint will result in dismissal of this case with prejudice.
8. Plaintiff's motion (Doc. 10) for default judgment is DENIED.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania